

HOUSE BILL No. 1333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-28.5; IC 6-3.5-4-0.5; IC 6-6-5-1; IC 7.1-1-3-26.3; IC 9-13; IC 9-17; IC 9-18; IC 9-19; IC 9-21; IC 9-25-4-1; IC 9-29-5-2; IC 9-30-10; IC 13-11-2-130.1; IC 14-19-1-0.5.

Synopsis: Moped registration and operation. Repeals the term "motorized bicycle", and replaces the term with "moped". Requires registration for mopeds with the bureau of motor vehicles (bureau), with a registration fee equal to that of a motorcycle. Requires that certain funds received from the registration of a moped must be deposited in the motorcycle operator safety education fund. Authorizes the bureau to adopt rules concerning registration of mopeds. Provides that a moped is not required to be titled with the bureau. Provides that mopeds are subject to county motor vehicle excise surtax and motor vehicle excise tax. Provides that a moped may not be operated when carrying more persons than the moped is designed and equipped to carry. Requires the operator of a moped to obey all applicable motor vehicle laws. Prohibits a moped from being operated at a speed that exceeds: (1) 35 miles per hour on a highway not part of the state highway system; (2) 45 miles per hour on a highway designated as part of the state highway system; or (3) the posted speed limit. Provides that a moped must be operated in the right-hand lane, except when making a left turn. Requires a dealer who sells at least 12 mopeds a year after December 31, 2014, to register as a dealer with the secretary of state. Specifies that the operator of a moped is not required to have proof of financial responsibility in effect on the moped. Repeals the term "motor scooter". Makes conforming changes. Makes technical corrections. Repeals an obsolete statute concerning a study topic of the joint study committee on transportation and infrastructure assessment and solutions.

Effective: July 1, 2014.

Smith M, Kirchhofer, Karickhoff

January 15, 2014, read first time and referred to Committee on Roads and Transportation.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1333

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-5-28.5-1.3 IS REPEALED [EFFECTIVE JULY
2 1, 2014]. ~~Sec. 1-3: As used in this chapter, "motor scooter" has the~~
3 ~~meaning set forth in IC 9-13-2-104.~~
- 4 SECTION 2. IC 2-5-28.5-1.5 IS REPEALED [EFFECTIVE JULY
5 1, 2014]. ~~Sec. 1-5: As used in this chapter, "motorized bicycle" has the~~
6 ~~meaning set forth in IC 9-13-2-109.~~
- 7 SECTION 3. IC 2-5-28.5-4.5 IS REPEALED [EFFECTIVE JULY
8 1, 2014]. ~~Sec. 4-5: In calendar year 2011, the committee shall study~~
9 ~~issues related to the use of motorized bicycles and motor scooters in~~
10 ~~Indiana, including the following topics:~~
- 11 (1) Definitions of the following:
12 (A) Motorized bicycle:
13 (B) Motor scooter:
14 (C) Moped:
15 (D) Motor-driven cycle:
16 (2) Issues related to:



1 (A) internal combustion power; and
 2 (B) battery power;
 3 of motor vehicles described in subdivision (1);
 4 (3) Issues relating to:
 5 (A) necessary equipment for;
 6 (B) licensing of operators of;
 7 (C) titling of;
 8 (D) registration of;
 9 (E) taxation of; and
 10 (F) insurance requirements for;
 11 motor vehicles described in subdivision (1);

12 SECTION 4. IC 6-3.5-4-0.5 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2014]: **Sec. 0.5. This chapter applies to a moped (as defined in**
 15 **IC 9-13-2-103.4) that is registered with the bureau of motor**
 16 **vehicles after December 31, 2014.**

17 SECTION 5. IC 6-6-5-1, AS AMENDED BY P.L.259-2013,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: **Sec. 1. (a) As used in this chapter, "vehicle" means a**
 20 **vehicle subject to annual registration as a condition of its operation on**
 21 **the public highways pursuant to the motor vehicle registration laws of**
 22 **the state. After December 31, 2014, the term includes a moped (as**
 23 **defined in IC 9-13-2-103.4).**

24 (b) As used in this chapter, "mobile home" means a
 25 nonself-propelled vehicle designed for occupancy as a dwelling or
 26 sleeping place.

27 (c) As used in this chapter, "bureau" means the bureau of motor
 28 vehicles.

29 (d) As used in this chapter, "license branch" means a branch office
 30 of the bureau authorized to register motor vehicles pursuant to the laws
 31 of the state.

32 (e) As used in this chapter, "owner" means the person in whose
 33 name the vehicle or trailer is registered (as defined in IC 9-13-2).

34 (f) As used in this chapter, "motor home" means a self-propelled
 35 vehicle having been designed and built as an integral part thereof
 36 having living and sleeping quarters, including that which is commonly
 37 referred to as a recreational vehicle.

38 (g) As used in this chapter, "last preceding annual excise tax
 39 liability" means either:

40 (1) the amount of excise tax liability to which the vehicle was
 41 subject on the owner's last preceding regular annual registration
 42 date; or



(2) the amount of excise tax liability to which a vehicle that was registered after the owner's last preceding annual registration date would have been subject if it had been registered on that date.

(h) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and that is subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state. The term includes any utility, boat, or other two (2) wheeled trailer.

(i) This chapter does not apply to the following:

(1) Vehicles owned, or leased and operated, by the United States, the state, or political subdivisions of the state.

(2) Mobile homes and motor homes.

(3) Vehicles assessed under IC 6-1.1-8.

(4) Vehicles subject to registration as trucks under the motor vehicle registration laws of the state, except trucks having a declared gross weight not exceeding eleven thousand (11,000) pounds, trailers, semitrailers, tractors, and buses.

(5) Vehicles owned, or leased and operated, by a postsecondary educational institution described in IC 6-3-3-5(d).

(6) Vehicles owned, or leased and operated, by a volunteer fire department (as defined in IC 36-8-12-2).

(7) Vehicles owned, or leased and operated, by a volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).

(8) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1.

(9) Farm wagons.

(10) Off-road vehicles (as defined in IC 14-8-2-185).

(11) Snowmobiles (as defined in IC 14-8-2-261).

SECTION 6. IC 7.1-1-3-26.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26.3. ~~(a)~~ "Motor vehicle" means a vehicle that is self-propelled.

~~(b) The term does not include a motorized bicycle (as defined in IC 9-13-2-109).~~

SECTION 7. IC 9-13-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A reference to a motorized bicycle in any law, rule, or other document in effect on January 1, 2015, shall be treated



1 **after December 31, 2014, as a reference to a moped.**

2 SECTION 8. IC 9-13-2-42, AS AMENDED BY P.L.259-2013,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 42. (a) "Dealer" means, except as otherwise
5 provided in this section, a person who sells to the general public,
6 including a person who sells directly by the Internet or other computer
7 network, at least twelve (12) vehicles each year. The term includes a
8 person who sells:

9 (1) off-road vehicles; ~~and, after December 31, 2013, a person who~~
10 ~~sells~~

11 (2) snowmobiles; **and**

12 (3) **after December 31, 2014, mopeds.**

13 A dealer must have an established place of business that meets the
14 minimum standards prescribed by the secretary of state under rules
15 adopted under IC 4-22-2.

16 (b) The term does not include the following:

17 (1) A receiver, trustee, or other person appointed by or acting
18 under the judgment or order of a court.

19 (2) A public officer while performing official duties.

20 (3) An automotive mobility dealer.

21 (c) "Dealer", for purposes of IC 9-31, means a person that sells to
22 the general public at least six (6):

23 (1) boats; or

24 (2) trailers:

25 (A) designed and used exclusively for the transportation of
26 watercraft; and

27 (B) sold in general association with the sale of watercraft;

28 per year.

29 SECTION 9. IC 9-13-2-103 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 103. "Military vehicle"
31 means a vehicle that:

32 (1) was originally manufactured for military use;

33 (2) is motorized or nonmotorized, including a motorcycle ~~motor~~
34 ~~scooter~~; and **a** trailer;

35 (3) is at least twenty-five (25) years old; and

36 (4) is privately owned.

37 SECTION 10. IC 9-13-2-103.4 IS ADDED TO THE INDIANA
38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2014]: **Sec. 103.4. "Moped" means a motor**
40 **vehicle with motive power that:**

41 (1) **has a seat or saddle for the use of the rider;**

42 (2) **is designed to travel on not more than three (3) wheels in**



1 contact with the ground;

2 (3) has a cylinder capacity not exceeding fifty (50) cubic
3 centimeters;

4 (4) is not operated at a speed greater than forty-five (45) miles
5 per hour; and

6 (5) does not meet the federal motor vehicle safety standards
7 necessary to certify the motor vehicle as a motorcycle.

8 **The term does not include a farm wagon or an off-road vehicle.**

9 SECTION 11. IC 9-13-2-104 IS REPEALED [EFFECTIVE JULY
10 1, 2014]. ~~Sec. 104. "Motor scooter" means a vehicle that has the~~
11 ~~following:~~

12 ~~(1) Motive power.~~

13 ~~(2) A seat, but not a saddle, for the driver.~~

14 ~~(3) Two (2) wheels.~~

15 ~~(4) A floor pad for the driver's feet.~~

16 SECTION 12. IC 9-13-2-105, AS AMENDED BY P.L.92-2013,
17 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2014]: Sec. 105. (a) "Motor vehicle" means, except as
19 otherwise provided in this section, a vehicle that is self-propelled. The
20 term does not include a farm tractor, an implement of agriculture
21 designed to be operated primarily in a farm field or on farm premises,
22 or an electric personal assistive mobility device.

23 (b) "Motor vehicle", for purposes of IC 9-21, means:

24 (1) a vehicle ~~except a motorized bicycle~~ that is self-propelled; or

25 (2) a vehicle that is propelled by electric power obtained from
26 overhead trolley wires, but not operated upon rails.

27 (c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25,
28 means a vehicle that is self-propelled upon a highway in Indiana. The
29 term does not include a farm tractor. **For purposes of IC 9-25, the**
30 **term does not include a moped.**

31 (d) "Motor vehicle", for purposes of IC 9-30-10, does not include a
32 ~~motorized bicycle.~~ **moped.**

33 (e) "Motor vehicle", for purposes of IC 9-32-13, includes a
34 semitrailer.

35 (f) "Motor vehicle", for purposes of IC 9-24-6, has the meaning set
36 forth in 49 CFR 383.5 as in effect July 1, 2010.

37 SECTION 13. IC 9-13-2-108, AS AMENDED BY P.L.262-2013,
38 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2014]: Sec. 108. "Motorcycle" means a motor vehicle with
40 motive power that:

41 (1) has a seat or saddle for the use of the rider;

42 (2) is designed to travel on not more than three (3) wheels in



contact with the ground; ~~and~~
 (3) satisfies the operational and equipment specifications
 described in 49 CFR 571 and IC 9-19; ~~and~~
**(4) meets federal motor vehicle safety standards for
 certification as a motorcycle.**

The term does not include a farm tractor a ~~motor scooter~~, or a
~~motorized bicycle~~. **moped.**

SECTION 14. IC 9-13-2-109 IS REPEALED [EFFECTIVE JULY
 1, 2014]. ~~Sec. 109. "Motorized bicycle" means a two (2) or three (3)
 wheeled vehicle that is propelled by an internal combustion engine or
 a battery powered motor, and if powered by an internal combustion
 engine, has the following:~~

- ~~(1) An engine rating of not more than two (2) horsepower and a
 cylinder capacity not exceeding fifty (50) cubic centimeters.~~
- ~~(2) An automatic transmission.~~
- ~~(3) A maximum design speed of not more than twenty-five (25)
 miles per hour on a flat surface.~~

~~The term does not include an electric personal assistive mobility
 device.~~

SECTION 15. IC 9-13-2-123, AS AMENDED BY P.L.259-2013,
 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2014]: Sec. 123. "Passenger motor vehicle" means a motor
 vehicle designed for carrying passengers. The term includes a low
 speed vehicle but does not include:

- (1) a motorcycle;
- (2) a bus;
- (3) a school bus;
- (4) a snowmobile; ~~or~~
- (5) an off-road vehicle; **or**
(6) a moped.

SECTION 16. IC 9-13-2-196, AS AMENDED BY P.L.9-2010,
 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2014]: Sec. 196. (a) "Vehicle" means, except as otherwise
 provided in this section, a device in, upon, or by which a person or
 property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not
 include the following:

- (1) A device moved by human power.
- (2) A vehicle that runs only on rails or tracks.
- (3) A vehicle propelled by electric power obtained from overhead
 trolley wires but not operated upon rails or tracks.
- (4) A firetruck and apparatus owned by a person or municipal



division of the state and used for fire protection.

(5) A municipally owned ambulance.

(6) A police patrol wagon.

(7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:

(A) Road construction or maintenance machinery.

(B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.

(C) Construction dust control machinery.

(D) Well boring apparatus.

(E) Ditch digging apparatus.

(F) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

(G) An invalid chair.

(H) A yard tractor.

(8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, a trailer or semitrailer used in the transportation of watercraft, or a ~~motorized bicycle~~. **moped.**

(e) For purposes of IC 9-24-6, the term has the meaning set forth in 49 CFR 383.5 as in effect July 1, 2010.

(f) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 17. IC 9-17-1-1, AS AMENDED BY P.L.262-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This article does not apply to:

(1) special machinery;

(2) farm wagons;

(3) a golf cart when operated in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a);

(4) a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer; ~~or~~

(5) snowmobiles; ~~or~~

(6) except as specifically provided otherwise, a moped;



1 or except as otherwise provided, any other vehicle that is not registered
2 in accordance with IC 9-18-2.

3 SECTION 18. IC 9-17-2-1.7 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2014]: **Sec. 1.7. (a) Notwithstanding any other law, a person may**
6 **apply to the bureau for a certificate of title for a moped. However,**
7 **a person is not required to obtain a certificate of title from the**
8 **bureau for a moped before the person may operate the moped on**
9 **a highway.**

10 **(b) The bureau may adopt rules under IC 4-22-2 to determine**
11 **the indication of ownership for a moped required for purposes of**
12 **obtaining a certificate of title for the moped under this article.**

13 SECTION 19. IC 9-18-1-2 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2014]: **Sec. 2. (a) After December 31, 2014, this article applies to**
16 **mopeds.**

17 **(b) The bureau may adopt rules under IC 4-22-2 to determine**
18 **the requirements for registering a moped with the bureau.**

19 SECTION 20. IC 9-18-2-8, AS AMENDED BY P.L.262-2013,
20 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2014]: **Sec. 8. (a) Except as provided in section 7(h) of this**
22 **chapter and subsection (f), the bureau shall determine the schedule for**
23 **registration for the following categories of vehicles:**

24 (1) Passenger motor vehicles.

25 (2) Recreational vehicles.

26 (3) Motorcycles **and mopeds.**

27 (4) Trucks that:

28 (A) are regularly rented to others for not more than
29 twenty-nine (29) days in the regular course of the corporation's
30 business; and

31 (B) have a declared gross weight of not more than eleven
32 thousand (11,000) pounds.

33 (b) Except as provided in IC 9-18-12-2.5, a person that owns a
34 vehicle shall receive a license plate, renewal tag, or other indicia upon
35 registration of the vehicle. The bureau may determine the indicia
36 required to be displayed.

37 (c) A corporation that owns a vehicle that is regularly rented to
38 others for periods of not more than twenty-nine (29) days in the regular
39 course of the corporation's business must register the vehicle on the
40 date prescribed by the bureau.

41 (d) A person that owns a vehicle in a category required to be
42 registered under this section and desires to register the vehicle for the



first time must apply to the bureau for a certificate of registration. The bureau shall do the following:

- (1) Administer the certificate of registration.
- (2) Issue the license plate according to the bureau's central fulfillment processes.
- (3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a semipermanent plate under section 30 of this chapter, or:

- (1) an annual renewal tag; or
- (2) other indicia;

to be affixed on the semipermanent plate.

(f) After June 30, 2011, the registration of a vehicle under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) expires on December 14 of each year. However, if a vehicle is registered under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

- (1) throughout calendar year 2011; and
- (2) during the period that:
 - (A) begins January 1, 2012; and
 - (B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

SECTION 21. IC 9-18-2-10, AS AMENDED BY P.L.262-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. **(a) This section does not apply to a moped for which the owner has not applied for a certificate of title.**

~~(a)~~ **(b)** Except as provided in sections 18, 23, and 29.5 of this chapter, a certificate of registration of a motor vehicle, semitrailer, or recreational vehicle and a license plate for a motor vehicle, semitrailer, or recreational vehicle, whether original issues or duplicates, may not be issued or furnished by the bureau unless the person applying for the certificate of registration:

- (1) applies at the same time for and is granted a certificate of title for the motor vehicle, semitrailer, or recreational vehicle; or
- (2) presents satisfactory evidence that a certificate of title has been previously issued to the person that covers the motor vehicle, semitrailer, or recreational vehicle.

~~(b)~~ **(c)** If the bureau at any time determines that a certificate of title for a motor vehicle cannot be issued or is invalid, the bureau:

- (1) shall not issue or furnish; or
- (2) may invalidate;



1 the certificate of registration for the vehicle.

2 SECTION 22. IC 9-18-2-26, AS AMENDED BY P.L.262-2013,
3 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 26. (a) License plates, including temporary license
5 plates, shall be displayed as follows:

6 (1) For a motorcycle, **moped**, trailer, semitrailer, or recreational
7 vehicle, upon the rear of the vehicle, except as provided in
8 subdivision (4).

9 (2) For a tractor or dump truck, upon the front of the vehicle.

10 (3) For every other vehicle, upon the rear of the vehicle, except as
11 provided in subdivision (4).

12 (4) For a truck with a rear mounted forklift or a mechanism to
13 carry a rear mounted forklift or implement, upon the front of the
14 vehicle.

15 (b) A license plate shall be securely fastened, in a horizontal
16 position, to the vehicle for which the plate is issued:

17 (1) to prevent the license plate from swinging;

18 (2) at a height of at least twelve (12) inches from the ground,
19 measuring from the bottom of the license plate;

20 (3) in a place and position that are clearly visible;

21 (4) maintained free from foreign materials and in a condition to
22 be clearly legible; and

23 (5) not obstructed or obscured by tires, bumpers, accessories, or
24 other opaque objects.

25 (c) An interim license plate must be displayed in the manner
26 required by IC 9-32-6-11(f).

27 (d) The bureau may adopt rules the bureau considers advisable to
28 enforce the proper mounting and securing of license plates on vehicles
29 consistent with this chapter.

30 SECTION 23. IC 9-18-2-29, AS AMENDED BY P.L.210-2005,
31 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2014]: Sec. 29. Except as otherwise provided, before:

33 (1) a motor vehicle;

34 (2) a motorcycle;

35 (3) a truck;

36 (4) a trailer;

37 (5) a semitrailer;

38 (6) a tractor;

39 (7) a bus;

40 (8) a school bus;

41 (9) a recreational vehicle; **or**

42 (10) special machinery; **or**



(11) after December 31, 2014, a moped;

is operated or driven on a highway, the person who owns the vehicle must register the vehicle with the bureau and pay the applicable registration fee.

SECTION 24. IC 9-18-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) If a person who registers an antique motor vehicle under this chapter makes substantial alterations or changes to the vehicle after the date of the antique motor vehicle's registration, the registrant shall have the vehicle reinspected by the state police department.

(b) If the antique motor vehicle is not found to be in a mechanical condition that guarantees the vehicle's safe operation upon the highways, the mechanical condition shall be reported to the bureau. The bureau shall do the following:

(1) Immediately cancel the registration of the antique motor vehicle.

(2) Notify the person who registered the antique motor vehicle of the cancellation.

~~(c) A motor scooter registered under this chapter is not required to have equipment that was not original on the motor scooter.~~

SECTION 25. IC 9-19-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. A motor vehicle other than a motorcycle ~~or motor-driven cycle;~~ **or moped**, when operated upon a highway, must be equipped with brakes adequate to control the movement of and to stop and hold the vehicle. The brakes must include two (2) separate means of applying the brakes, each of which means must apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, the means must be constructed so that failure of one (1) part of the operating mechanism does not leave the motor vehicle without brakes on at least two (2) wheels.

SECTION 26. IC 9-19-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A motorcycle ~~and a motor-driven cycle;~~ **or moped**, when operated upon a highway, must be equipped with at least one (1) brake, which may be operated by hand or foot.

SECTION 27. IC 9-19-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as provided in subsections (b) through (c), a new motor vehicle, trailer, or semitrailer sold in Indiana and operated upon the highways must be equipped with service brakes upon all wheels of the vehicle.

(b) The following are not required to be equipped with **service**



brakes:

(1) A motorcycle ~~or motor-driven cycle~~ **or moped**.

(2) A semitrailer of less than three thousand (3,000) pounds gross weight.

(c) A truck or truck-tractor having at least three (3) axles is not required to have service brakes on the front wheels. If a truck or truck-tractor is equipped with at least two (2) steerable axles, the wheels of one (1) steerable axle are not required to have service brakes although the truck or truck-tractor must be capable of complying with the performance requirements of sections 7 through 8 of this chapter.

SECTION 28. IC 9-19-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A motor vehicle other than a motorcycle ~~or motor-driven cycle~~ **or moped** must be equipped with at least two (2) head lamps, with at least one (1) of the head lamps on each side of the front of the motor vehicle. The head lamps must comply with this chapter.

(b) Except as provided in subsection (c), a motorcycle ~~and motor-driven cycle~~ **or moped** must be equipped with at least one (1) and not more than two (2) head lamps that comply with this chapter.

(c) A motorcycle manufactured before January 1, 1956, is not required to be equipped with a head lamp if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(d) A head lamp upon a motor vehicle, including a motorcycle ~~and motor-driven cycle~~ **or moped**, must be located at a height measured from the center of the head lamp of not less than twenty-four (24) inches and not more than fifty-four (54) inches to be measured as set forth in section 2(b) of this chapter.

SECTION 29. IC 9-19-6-4, AS AMENDED BY P.L.34-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as otherwise provided in this section:

(1) a motor vehicle, trailer, semitrailer, and pole trailer; and

(2) any other vehicle that is drawn at the end of a train of vehicles;

must be equipped with at least one (1) tail lamp mounted on the rear that when lighted as required in this chapter, emits a red light plainly visible from a distance of five hundred (500) feet to the rear.

(b) Only the tail lamp on the rear-most vehicle of a train of vehicles is required to be seen from the distance specified.

(c) Excluding a truck-tractor semitrailer-semitrailer combination equipped with a B-train assembly (as defined in IC 9-13-2-13) governed by section 7 of this chapter, truck-tractor, motorcycle, or



1 ~~motor-driven cycle:~~ **moped:**

2 (1) a motor vehicle, trailer, semitrailer, and pole trailer; and

3 (2) any other vehicle drawn at the end of a train of vehicles;

4 that is registered in Indiana and manufactured or assembled after
5 January 1, 1956, must be equipped with at least two (2) tail lamps
6 mounted on the rear that, when lighted, complies with this section.

7 (d) A tail lamp upon a vehicle shall be located at a height of not less
8 than twenty (20) inches and not more than seventy-two (72) inches.

9 (e) Either a tail lamp or a separate lamp must be placed and
10 constructed so as to illuminate the rear registration plate with a white
11 light and make the plate clearly legible from a distance of fifty (50) feet
12 to the rear. A tail lamp or tail lamps, together with a separate lamp for
13 illuminating the rear registration plate, must be wired so as to be
14 lighted whenever the head lamps or auxiliary driving lamps are lighted.

15 SECTION 30. IC 9-19-6-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as
17 provided in subsections (b) through (d), a new motor vehicle sold and
18 operated upon a highway, other than a truck-tractor, must carry on the
19 rear, either as a part of the tail lamps or separately, two (2) red
20 reflectors.

21 (b) Except as provided in subsection (c), a motorcycle ~~and~~
22 ~~motor-driven cycle or moped~~ must carry at least one (1) reflector
23 meeting the requirements of this section.

24 (c) A motorcycle manufactured before January 1, 1956, is not
25 required to carry a reflector under this section if the motorcycle is not
26 operated at the times when lighted head lamps and other illuminating
27 devices are required under IC 9-21-7-2.

28 (d) A vehicle of the type listed in section 7 of this chapter must be
29 equipped with reflectors as required in those sections applicable to
30 those vehicles.

31 (e) A reflector must be mounted on a vehicle at a height not less
32 than twenty (20) inches and not more than sixty (60) inches as
33 measured in the manner set forth in section 2(b) of this chapter. Except
34 as otherwise provided, a reflector must be of the size and
35 characteristics and mounted so as to be visible at night from all
36 distances within three hundred fifty (350) feet to one hundred (100)
37 feet from the vehicle when directly in front of lawful upper beams of
38 head lamps.

39 SECTION 31. IC 9-19-6-6 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as
41 provided in subsection (b), a person may not:

42 (1) sell; or



(2) drive on the highways;
in Indiana a motor vehicle, including a motorcycle or ~~motor-driven cycle~~ **moped**, unless the vehicle is equipped with at least one (1) stoplight meeting the requirements of section 17 of this chapter.

(b) A motorcycle manufactured before January 1, 1956, is not required to be equipped with a stoplight under subsection (a) if the motorcycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

(c) This subsection does not apply to a motorcycle or ~~motor-driven cycle~~ **moped**. A person may not:

(1) sell;

(2) offer for sale; or

(3) operate on the highways;

a motor vehicle, trailer, or semitrailer registered in Indiana and manufactured or assembled after January 1, 1956, unless the vehicle is equipped with mechanical or electrical turn signals meeting the requirements of section 17 of this chapter.

SECTION 32. IC 9-19-6-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. Except as otherwise provided in this chapter, the head lamps, the auxiliary driving lamp, the auxiliary passing lamp, or a combination of these lamps on motor vehicles, other than motorcycles or ~~motor-driven cycles~~, **mopeds**, must be arranged so that the driver may select between distributions of light projected to different elevations. The lamps may, in addition, be arranged so that the selection can be made automatically, subject to the following limitations:

(1) There must be an uppermost distribution of light, or composite beam, aimed and of an intensity to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.

(2) There must be a lowermost distribution of light, or composite beam, aimed and of an intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead. On a straight level road, under any condition of loading, none of the high-intensity part of the beam may be directed to strike the eyes of an approaching driver.

(3) A new motor vehicle, other than a motorcycle or ~~motor-driven cycle~~, **moped that is** registered in Indiana ~~after January 1, 1956,~~ **and** that has multiple-beam road lighting equipment, must be equipped with a beam indicator that must be lighted whenever the uppermost distribution of light from the head lamps is in use. The beam indicator must not otherwise be lighted. The beam indicator



1 must be designed and located so that when lighted the indicator
 2 is readily visible without glare to the driver of the vehicle so
 3 equipped.

4 SECTION 33. IC 9-19-6-22 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) The head lamp
 6 or head lamps upon a ~~motor-driven cycle~~ **motorcycle or moped** may
 7 be of the single-beam or multiple-beam type.

8 (b) A head lamp on a ~~motor-driven cycle~~ **motorcycle or moped**
 9 must be of sufficient intensity to reveal a person or a vehicle at a
 10 distance of not less than:

11 (1) one hundred (100) feet when the ~~motor-driven cycle~~
 12 **motorcycle or moped** is operated at a speed of less than
 13 twenty-five (25) miles per hour;

14 (2) two hundred (200) feet when the ~~motor-driven cycle~~
 15 **motorcycle or moped** is operated at a speed of at least
 16 twenty-five (25) miles per hour; and

17 (3) three hundred (300) feet when the ~~motor-driven cycle~~
 18 **motorcycle or moped** is operated at a speed of at least thirty-five
 19 (35) miles per hour.

20 (c) If a ~~motor-driven cycle~~ **motorcycle or moped** is equipped with
 21 a multiple beam head lamp, the upper beam must meet the minimum
 22 requirements set forth in this section and must not exceed the
 23 limitations set forth in section 20(1) of this chapter and the lowermost
 24 distribution of light as set forth in section 20(2) of this chapter.

25 (d) If a ~~motor-driven cycle~~ **motorcycle or moped** is equipped with
 26 a single beam lamp, the lamp must be aimed so that when the vehicle
 27 is loaded none of the high-intensity part of the light will, at a distance
 28 of twenty-five (25) feet ahead, project higher than the level of the
 29 center of the lamp from which the light comes.

30 SECTION 34. IC 9-19-19-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A motor vehicle,
 32 except a motorcycle ~~or a motor-driven cycle, or moped~~, required to be
 33 registered with the bureau must be equipped with a front windshield.

34 SECTION 35. IC 9-21-5-7 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person may not
 36 drive a motor vehicle at a slow speed that impedes or blocks the normal
 37 and reasonable movement of traffic, except when reduced speed is
 38 necessary for safe operation or in compliance with the law.

39 (b) **This subsection applies to the operation of a moped, other**
 40 **motor vehicles, and vehicles.** A person who is driving at a slow speed
 41 so that three (3) or more other vehicles are blocked and cannot pass on
 42 the left around the vehicle shall give right-of-way to the other vehicles



by pulling off to the right of the right lane at the earliest reasonable opportunity and allowing the blocked vehicles to pass.

SECTION 36. IC 9-21-5-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.3. A person may not operate a moped on a highway at a speed exceeding:**

(1) **thirty-five (35) miles per hour on a highway that is not part of the state highway system; and**

(2) **forty-five (45) miles per hour on a highway designated as part of the state highway system under IC 8-23-4.**

The operator of a moped must obey all posted speed limits.

SECTION 37. IC 9-21-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section does not apply to a motorcycle or ~~motorized bicycle~~: **moped.**

(b) A motor vehicle must display at least two (2) lighted lamps, one (1) on each side at the front of the motor vehicle.

(c) Whenever a motor vehicle equipped with head lamps required under subsection (b) is also equipped with:

(1) auxiliary lamps;

(2) a spot lamp; or

(3) any other lamp on the front of the motor vehicle projecting a beam of intensity greater than three hundred (300) candlepower; not more than a total of four (4) lamps described in this subsection on the front of a vehicle may be lighted at one (1) time when upon a highway.

(d) Passenger buses, trucks, truck tractors, and certain trailers, semitrailers, and pole trailers must display clearance and marker lamps, reflectors, and stop lights as required under this title when operated upon a highway. Except as provided in subsection (e), all lamp equipment required on vehicles described in this subsection shall be lighted at the times specified in section 2 of this chapter.

(e) Clearance and sidemarker lamps are not required to be lighted on a vehicle described in subsection (d) when the vehicle is operated within a municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

SECTION 38. IC 9-21-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies to a vehicle that is parked or stopped upon a roadway or shoulder adjacent to a roadway between thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

(b) If there is sufficient light to reveal a person or object within a



1 distance of five hundred (500) feet upon the street or highway upon
 2 which the vehicle is parked, no lights need be displayed upon the
 3 parked vehicle.

4 (c) This subsection does not apply to a ~~motor-driven cycle~~. **moped**.
 5 This subsection applies whether a vehicle parked or stopped is attended
 6 or unattended. If there is not sufficient light to reveal a person or object
 7 within a distance of five hundred (500) feet upon the highway upon
 8 which the vehicle is parked or stopped, the vehicle parked or stopped
 9 shall be equipped with one (1) or more lamps that meet the following
 10 requirements:

11 (1) At least one (1) lamp must display a white or amber light
 12 visible from a distance of five hundred (500) feet to the front of
 13 the vehicle.

14 (2) The lamp described in subdivision (1) or at least one (1) other
 15 lamp must display a red light visible from a distance of five
 16 hundred (500) feet to the rear of the vehicle.

17 (3) The lamp or lamps described in subdivisions (1) and (2) shall
 18 be installed as near as practicable on the side of the vehicle that
 19 is closest to passing traffic.

20 (d) Lighted head lamps upon a parked vehicle must be depressed or
 21 dimmed.

22 SECTION 39. IC 9-21-8-2 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Upon all
 24 roadways of sufficient width, a vehicle shall be driven upon the right
 25 half of the roadway except as follows:

26 (1) When overtaking and passing another vehicle proceeding in
 27 the same direction under the rules governing overtaking and
 28 passing.

29 (2) When the right half of a roadway is closed to traffic under
 30 construction or repair.

31 (3) Upon a roadway divided into three (3) marked lanes for traffic
 32 under the rules applicable to a roadway divided into three (3)
 33 marked lanes.

34 (4) Upon a roadway designated and signposted for one-way
 35 traffic.

36 (b) Upon all roadways, a vehicle proceeding at less than the normal
 37 speed of traffic at the time and place under the conditions then existing
 38 shall be driven:

39 (1) in the right-hand lane ~~then when~~ available for traffic; or

40 (2) as close as practicable to the right-hand curb or edge of the
 41 roadway;

42 except when overtaking and passing another vehicle proceeding in the



1 same direction or when preparing for a left turn at an intersection or
2 into a private road or driveway.

3 **(c) A moped shall be driven in the right-hand lane when**
4 **available for traffic except when preparing for a left turn at an**
5 **intersection or into a private road or driveway.**

6 SECTION 40. IC 9-21-8-20 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. The Indiana
8 department of transportation may by resolution or order entered in its
9 minutes, and local authorities may by ordinance, with respect to any
10 freeway or interstate highway system under their respective
11 jurisdictions, prohibit the use of a highway by pedestrians, bicycles, or
12 other nonmotorized traffic or by a person operating a ~~motor-driven~~
13 ~~bicycle~~ **moped**. The Indiana department of transportation or the local
14 authority adopting a prohibiting regulation shall erect and maintain
15 official signs on the freeway or interstate highway system on which the
16 regulations are applicable. If signs are erected, a person may not
17 disobey the restrictions stated on the signs.

18 SECTION 41. IC 9-21-11-2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person riding a
20 bicycle **or moped** upon a roadway has all the rights and duties under
21 this article that are applicable to a person who drives a vehicle, except
22 the following:

23 (1) Special regulations of this article.

24 (2) Those provisions of this article that by their nature have no
25 application.

26 SECTION 42. IC 9-21-11-12 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. A ~~motorized~~
28 ~~bicycle~~ **moped** may not be operated under any of the following
29 conditions:

30 (1) By a person less than fifteen (15) years of age.

31 (2) By a person who has not obtained an identification card under
32 IC 9-24, a permit under IC 9-24, an operator's license under
33 IC 9-24, a chauffeur's license under IC 9-24, or a public passenger
34 chauffeur's license under IC 9-24.

35 (3) On an interstate highway or a sidewalk.

36 (4) At a speed greater than: ~~twenty-five (25)~~

37 **(A) thirty-five (35) miles per hour on a highway that is not**
38 **part of the state highway system;**

39 **(B) forty-five (45) miles per hour on a highway designated**
40 **as part of the state highway system under IC 8-23-4; or**

41 **(C) the posted speed limit.**

42 SECTION 43. IC 9-21-11-13 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. A person less than
 2 eighteen (18) years of age who operates or rides a ~~motorized bicycle~~
 3 **moped** on a street or highway shall do the following:

4 (1) Wear protective headgear meeting the minimum standards set
 5 by the bureau or a helmet that meets the standards established by
 6 the United States Department of Transportation under 49 CFR
 7 571.218 in effect January 1, 1979.

8 (2) Wear protective glasses, goggles, or a transparent face shield.

9 SECTION 44. IC 9-21-11-13.5 IS ADDED TO THE INDIANA
 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2014]: **Sec. 13.5. A person may not operate**
 12 **or ride on a moped when the moped is carrying more persons than**
 13 **the number of persons the moped is designed and equipped to**
 14 **carry at one (1) time.**

15 SECTION 45. IC 9-25-4-1, AS AMENDED BY P.L.259-2013,
 16 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2014]: Sec. 1. (a) This section does not apply to:

18 (1) an electric personal assistive mobility device;

19 (2) an off-road vehicle; ~~or~~

20 (3) a snowmobile; **or**

21 **(4) a moped.**

22 (b) A person may not:

23 (1) register a motor vehicle; or

24 (2) operate a motor vehicle on a public highway;

25 in Indiana if financial responsibility is not in effect with respect to the
 26 motor vehicle under section 4 of this chapter, or the person is not
 27 otherwise insured in order to operate the motor vehicle.

28 (c) A person who violates this section is subject to the suspension
 29 of the person's current driving privileges or motor vehicle registration,
 30 or both, under this article.

31 SECTION 46. IC 9-29-5-2, AS AMENDED BY P.L.13-2013,
 32 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2014]: Sec. 2. **(a)** The fee for the registration of a motorcycle
 34 is seventeen dollars and thirty cents (\$17.30). The revenue from this
 35 fee shall be allocated as follows:

36 (1) Seven dollars (\$7) to the motorcycle operator safety education
 37 fund established by IC 9-27-7-7.

38 (2) An amount prescribed as a license branch service charge
 39 under IC 9-29-3.

40 (3) Thirty cents (\$0.30) to the spinal cord and brain injury fund
 41 under IC 16-41-42.2-3, as provided under section 0.5 of this
 42 chapter.



(4) The balance to the state general fund for credit to the motor vehicle highway account.

(b) This subsection applies after December 31, 2014. The fee for the registration of a moped is seventeen dollars and thirty cents (\$17.30). The revenue from this fee shall be allocated as follows:

(1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 9-27-7-7.

(2) An amount prescribed as a license branch service charge under IC 9-29-3.

(3) Thirty cents (\$0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter.

(4) The balance to the state general fund for credit to the motor vehicle highway account.

SECTION 47. IC 9-30-10-9, AS AMENDED BY P.L.85-2013, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) This section does not apply to a person who:

- (1) holds a commercial driver's license; and
- (2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159, 113 Stat. 1748).

(b) If a court finds that a person:

- (1) is a habitual violator under section 4(c) of this chapter;
- (2) has not been previously placed on probation under this section by a court;
- (3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:
 - (A) is substantially in excess of the mileage of an average driver; and
 - (B) may have been a factor that contributed to the person's poor driving record;
- (4) does not have:
 - (A) a judgment for a violation enumerated in section 4(a) of this chapter; or
 - (B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter; and
- (5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with



- 1 subsection (d).
 2 (c) If a court finds that a person:
 3 (1) is a habitual violator under section 4(b) of this chapter;
 4 (2) has not been previously placed on probation under this section
 5 by a court;
 6 (3) does not have a judgment for any violation listed in section
 7 4(a) of this chapter;
 8 (4) has had the person's driving privileges suspended under this
 9 chapter for at least five (5) consecutive years; and
 10 (5) has not violated the terms of the person's suspension by
 11 operating a vehicle;
 12 the court may place the person on probation in accordance with
 13 subsection (d). However, if the person has any judgments for operation
 14 of a vehicle before July 1, 2001, while intoxicated or with an alcohol
 15 concentration equivalent to at least ten-hundredths (0.10) gram of
 16 alcohol per one hundred (100) milliliters of the blood or two hundred
 17 ten (210) liters of the breath, or for the operation of a vehicle after June
 18 30, 2001, while intoxicated or with an alcohol concentration equivalent
 19 to at least eight-hundredths (0.08) gram of alcohol per one hundred
 20 (100) milliliters of the blood or two hundred ten (210) liters of the
 21 breath, the court, before the court places a person on probation under
 22 subsection (d), must find that the person has successfully fulfilled the
 23 requirements of a rehabilitation program certified by the division of
 24 mental health and addiction or the Indiana judicial center.
 25 (d) Whenever a court places a habitual violator on probation, the
 26 court:
 27 (1) shall record each of the court's findings under this section in
 28 writing;
 29 (2) shall order the bureau to issue the person probationary driving
 30 privileges for a fixed period of not more than the applicable
 31 remaining period of suspension;
 32 (3) shall attach restrictions to the person's driving privileges,
 33 including restrictions limiting the person's driving to:
 34 (A) commercial or business purposes or other employment
 35 related driving;
 36 (B) specific purposes in exceptional circumstances;
 37 (C) rehabilitation programs; and
 38 (D) specified hours during which the person may drive;
 39 (4) shall require the person to submit to reasonable monitoring
 40 requirements;
 41 (5) shall order the person to file proof of future financial
 42 responsibility for three (3) years following the date of being



placed on probation; and

(6) shall impose other appropriate conditions of probation, which must include one (1) or more of the following conditions if the person was convicted of an offense described in ~~IC 9-30-10-4(b)(1)~~ **section 4(b)(1)** through ~~IC 9-30-10-4(b)(4)~~:

4(b)(4) of this chapter:

(A) An order prohibiting the person from operating a motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while under the influence of any other intoxicating substance.

(B) An order that the person submit to a method to monitor the person's compliance with the prohibition against operating a motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(i) one hundred (100) milliliters of the person's blood; or

(ii) two hundred ten (210) liters of the person's breath;

or while intoxicated (as defined under IC 9-13-2-86).

(C) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

(i) The person may operate only a motor vehicle equipped with an ignition interlock device.

(ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or ~~motorized bicycle~~ **moped** and the law enforcement officer requests that the person submit to a chemical test.

(iii) The person must wear a device that detects and records the person's use of alcohol.

(iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court finds that a person:

(1) is a habitual violator under section 4(b) or 4(c) of this chapter;

(2) does not have any judgments for violations under section 4(a) of this chapter;

(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(5) of this chapter that resulted



from driving on a suspended license that was suspended for:

(A) the commission of infractions only; or

(B) previously driving on a suspended license;

(4) has not been previously placed on probation under this section by a court; and

(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under the conditions described in subsection (d)(1) through (d)(5).

(f) If the bureau receives an order granting probationary driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

(1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 48. IC 9-30-10-13, AS AMENDED BY P.L.85-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The bureau may issue driving privileges to a habitual violator whose driving privileges were suspended under section 5(b) of this chapter if the following conditions exist:

(1) The time specified for the person's probation or the restriction or suspension of the person's driving privileges has elapsed.

(2) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(3) The person files with the bureau and maintains, for three (3) years after termination of probation, restriction, or suspension of driving privileges, proof of future financial responsibility in accordance with IC 9-25.

(4) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's



license and driving record that indicates the person is prohibited from operating a motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; for three (3) years after termination of probation, restriction, or suspension of driving privileges.

(5) The person signs a bureau form by which the person agrees that as a condition to obtaining the driving privileges the person will submit to a chemical test at any time during the period three (3) years after termination of probation, restriction, or suspension of driving privileges if a law enforcement officer lawfully stops the person while operating a motor vehicle or ~~motorized bicycle~~ **moped** and the law enforcement officer requests that the person submit to a chemical test.

(b) The bureau may issue driving privileges to operate a motor vehicle to a habitual violator whose driving privileges have been suspended for life if the following conditions exist:

(1) The bureau has received an order for rescission of suspension and reinstatement issued under section 15 of this chapter.

(2) The person to whom the driving privileges are to be issued has never been convicted of a violation described in section 4(a) or 17 of this chapter.

(3) The person has not been convicted of an offense under section 16 of this chapter more than one (1) time.

(4) The person has met all the requirements of all applicable statutes and rules relating to the licensing of motor vehicle operators.

(5) The person:

(A) files with the bureau; and

(B) maintains for three (3) years after rescission of the suspension;

proof of future financial responsibility in accordance with IC 9-25.

(6) If the person has a prior conviction for operating while intoxicated, the bureau places a restriction on the person's driver's license and driving record that indicates the person is prohibited from operating a motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or



(B) two hundred ten (210) liters of the person's breath;
or while intoxicated (as defined under IC 9-13-2-86) for three (3)
years after termination of probation, restriction, or suspension of
driving privileges.

(7) The person signs a bureau form by which the person agrees
that as a condition to obtaining the driving privileges the person
will submit to a chemical test at any time during the period three
(3) years after termination of probation, restriction, or suspension
of driving privileges if a law enforcement officer lawfully stops
the person while operating a motor vehicle or ~~motorized bicycle~~
moped and the law enforcement officer requests that the person
submit to a chemical test.

(c) A habitual violator is not eligible for relief under the hardship
provisions of IC 9-24-15.

(d) The bureau shall not issue driving privileges to a person who
does not satisfy all of the requirements set forth in subsections (a) and
(b).

SECTION 49. IC 9-30-10-15, AS AMENDED BY P.L.85-2013,
SECTION 105, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Upon receiving a petition
filed under section 14 of this chapter, a court shall set a date for hearing
the matter and direct the clerk of the court to provide notice of the
hearing date to the following:

(1) The petitioner.

(2) The prosecuting attorney of the county where the petitioner
resides.

(3) The bureau.

(b) A court may order the rescission of the order that required the
suspension of the petitioner's driving privileges for life and may order
the bureau to reinstate the driving privileges of a petitioner whose
driving privileges have been suspended for life if, after the hearing of
the matter, the court makes the following written findings and
conclusions, based on clear and convincing evidence:

(1) That the petitioner has never been convicted of a violation
described in section 4(a) of this chapter.

(2) That the petitioner has never been convicted of an offense
under section 17 of this chapter.

(3) That the petitioner has not been convicted of an offense under
section 16 of this chapter more than one (1) time.

(4) If the person is petitioning the court under section 14(a) of this
chapter that ten (10) years have elapsed since the date on which
an order was issued that required the suspension of the petitioner's



1 driving privileges for life.

2 (5) That there has been a substantial change in the petitioner's
3 circumstances indicating the petitioner would no longer pose a
4 risk to the safety of others if the petitioner's driving privileges
5 were reinstated.

6 (6) That there has been a substantial change in the petitioner's
7 circumstances indicating that the suspension of the petitioner's
8 driving privileges for life has become unreasonable.

9 (7) That it is in the best interests of society for the petitioner's
10 driving privileges to be reinstated.

11 (8) If the person is petitioning the court under section 14(e) of this
12 chapter:

13 (A) that three (3) years have elapsed since the date the order
14 was issued that required the suspension of the petitioner's
15 driving privileges for life; and

16 (B) that the conditions listed under section 14(e) of this
17 chapter are satisfied.

18 (c) The petitioner has the burden of proof under this section and an
19 order issued under subsection (b) is a final order, appealable by any
20 party to the action.

21 (d) In an order for reinstatement of driving privileges issued under
22 this section, the court may require the bureau to issue the prevailing
23 petitioner:

24 (1) driving privileges under section 13(b) of this chapter; or

25 (2) restricted driving privileges for a time and subject to
26 conditions specified by the court, which must include one (1) or
27 more of the following conditions if the person was determined to
28 be a habitual violator under ~~IC 9-30-10-4(a)(4)~~ **section 4(a)(4)**
29 through ~~IC 9-30-10-4(a)(7)~~ **4(a)(7) of this chapter** or
30 ~~IC 9-30-10-4(b)(1)~~ **section 4(b)(1)** through ~~IC 9-30-10-4(b)(4)~~
31 **4(b)(4) of this chapter**:

32 (A) Specified hours during which the person may drive.

33 (B) An order prohibiting the person from operating a motor
34 vehicle or ~~motorized bicycle~~ **moped** with an alcohol
35 concentration equivalent to at least two-hundredths (0.02)
36 gram of alcohol per:

37 (i) one hundred (100) milliliters of the person's blood; or

38 (ii) two hundred ten (210) liters of the person's breath;

39 or while intoxicated (as defined under IC 9-13-2-86).

40 (C) An order that the person submit to a method to monitor the
41 person's compliance with the prohibition against operating a
42 motor vehicle or ~~motorized bicycle~~ **moped** with an alcohol



concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:

- (i) one hundred (100) milliliters of the person's blood; or
 - (ii) two hundred ten (210) liters of the person's breath;
- or while intoxicated (as defined under IC 9-13-2-86).

(D) The court shall determine the appropriate monitoring method, which may include one (1) or more of the following:

- (i) The person may operate only a motor vehicle equipped with an ignition interlock device.
- (ii) The person must submit to a chemical test if a law enforcement officer lawfully stops the person while operating a motor vehicle or ~~motorized bicycle~~ **moped** and the law enforcement officer requests that the person submit to a chemical test.
- (iii) The person must wear a device that detects and records the person's use of alcohol.
- (iv) The person must submit to any other reasonable monitoring requirement as determined by the court.

(e) If a court orders the bureau to issue restricted or probationary driving privileges to a petitioner under subsection (d), the court shall specify the conditions under which the petitioner may be issued driving privileges to operate a motor vehicle under section 13(b) of this chapter. After the expiration date of the restricted or probationary driving privileges and upon:

- (1) fulfillment by the petitioner of the conditions specified by the court; and
- (2) the expiration of the restricted driving privileges issued under subsection (d)(2);

the bureau shall issue the petitioner driving privileges to operate a motor vehicle under section 13(b) of this chapter.

(f) If the bureau receives an order granting a rescission of the suspension order and reinstatement of driving privileges to a person who, according to the records of the bureau, does not qualify under this chapter, the bureau shall do the following:

- (1) Issue the person probationary driving privileges and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for the rescission and reinstatement.
- (2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not



1 receive a corrected order within sixty (60) days, the bureau shall notify
 2 the attorney general, who shall, in accordance with IC 35-38-1-15,
 3 petition the court to correct the court's order.

4 SECTION 50. IC 9-30-10-17.5, AS AMENDED BY P.L.125-2012,
 5 SECTION 358, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2014]: Sec. 17.5. A person who operates a
 7 vehicle or ~~motorized bicycle~~ **moped** in violation of conditions of
 8 restricted driving privileges ordered by a court under section 9(d)(6) or
 9 15(d)(2) of this chapter commits a Class A misdemeanor.

10 SECTION 51. IC 9-30-10-18, AS AMENDED BY P.L.28-2010,
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2014]: Sec. 18. In a criminal action brought under section 16,
 13 17, or 17.5 of this chapter, it is a defense that the operation of a motor
 14 vehicle or ~~motorized bicycle~~ **moped** was necessary to save life or limb
 15 in an extreme emergency. The defendant must bear the burden of proof
 16 by a preponderance of the evidence to establish this defense.

17 SECTION 52. IC 13-11-2-130.1, AS ADDED BY P.L.170-2006,
 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 130.1. (a) "Motor vehicle", for purposes of this
 20 chapter, means a vehicle that is self-propelled on a highway in Indiana.
 21 The term does not include a farm tractor or a ~~motorized bicycle~~.
 22 **moped.**

23 (b) This section expires on the date IC 13-20-17.7 expires under
 24 IC 13-20-17.7-9.

25 SECTION 53. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005,
 26 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2014]: Sec. 0.5. (a) "Motorized cart" means a conveyance that
 28 is:

- 29 (1) motor driven, either by gas or electricity;
- 30 (2) used to carry passengers or equipment; and
- 31 (3) smaller than the types of motor vehicles required to be
- 32 registered by the bureau of motor vehicles such as a:
- 33 (A) passenger motor vehicle (as defined in IC 9-13-2-123);
- 34 (B) recreational vehicle (as defined in IC 9-13-2-150); or
- 35 (C) truck (as defined in IC 9-13-2-188).

36 A motorized cart may be characterized as a golf cart, utility cart, or
 37 similar form of motor vehicle.

38 (b) The term does not include:

- 39 (1) an electric personal assistive mobility device (as defined in
- 40 IC 9-13-2-49.3);
- 41 (2) a motorcycle (as defined in IC 9-13-2-108);
- 42 (3) a ~~motor scooter~~ (as defined in IC 9-13-2-104);



1 ~~(4) a motorized bicycle (as defined in IC 9-13-2-109);~~

2 **(3) a moped (as defined in IC 9-13-2-103.4); or**

3 ~~(5) (4)~~ an off-road vehicle.

4 SECTION 54. [EFFECTIVE JULY 1, 2014] **(a) The legislative**
5 **services agency shall prepare legislation for introduction in the**
6 **2015 regular session of the general assembly to make appropriate**
7 **changes in statutes as required by this act.**

8 **(b) This SECTION expires December 31, 2015.**

